

REGULAR MEETING AGENDA

JANUARY 17, 2007

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

APPROVAL OF THE MINUTES OF THE DECEMBER 20, 2006 REGULAR MEETING AND THE JANUARY 3, 2006 REGULAR MEETING_____

**ITEMS NOT ADDRESS ON THE AGENDA –
SUSPENSION OF THE RULES**

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**

CHIEF EXECUTIVE'S REPORT

SECTION I **PRESENTATION**
COMMUNICATION NO. 07-34

Dan Dennehy, Director Health Department, requesting time on the 1/17/07 agenda to make a presentation regarding final disposition of Immaculate Conception School and Annex

SECTION II CONSENT AGENDA

- A.**
1. COMMITTEE OF THE WHOLE MEETING REPORT
 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 3. JUDICIARY COMMITTEE MEETING REPORT
 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. PETITIONS

1. 07.1 John Harrington, Building Official, requesting on behalf of Steve and Sharon Wilson to close and vacate a portion of Henry Street.

C. COMMUNICATIONS

1. 07-16 Ellen Crain, Director Public Archive, requesting time on 1/31/07 agenda to make a presentation and to receive public comments on projects or 2007 Community Transportation Enhancement Program. **Recommendation: concur and hold in Committee of the Whole for presentation 1/31/07.**
2. 07-17 Lee C. Alt, Butte District Traffic Engineer, requesting concurrence with final recommendation for speed zone from Rowe Road intersection with Montana St. to Hanson Road. **Recommendation: concur and request letter and place on file.**
3. 07-18 Kathy Anderson, requesting waiver of fee to conduct a non-profit raffle for the benefit for Kevin and Teresa Kent. **Recommendation: concur and place on file**
4. 07-19 Rick Gelling, Equipment Supervisor, requesting time on 1/31/07 agenda to conduct a bid opening for a new 1250 GPM pumper truck for Home Atherton Fire Department. **Recommendation: schedule bid opening for 1/31/07.**
5. 07-20 Linsey Penn, 2018 Grand Avenue requesting waiver of fee to conduct a non-profit raffle for the benefit of Kathy Reeves. **Recommendation: concur and place on file.**
6. 07-21 Robert A Macioroski, Director BSB Land Office, requesting County Attorney be requested to prepare resolution and deed for transfer of county-owned property to Steven and Julie Jaksha. **Recommendation: refer to County Attorney for proper resolution and hold in Committee of the Whole**
7. 07-22 Cindy Shaw, Commissioner District 11, requesting approval for tuition reimbursement for a class in human resource issues in the amount of \$352.59. **Recommendation: concur and place on file.**
8. 07-23 Karen Byrnes, Director Community Development Department requesting time on the 1/31/07 agenda to present an update of Butte-Silver Bow's recognition as a Preserve American Community and the recent receipt of a Preserve America – Rural Heritage Initiative Grant. **Recommendation: schedule presentation for 1/31/07 and hold in Committee of the Whole.**
9. 07-24 Bob Rowling, Parks/Recreation Director, requesting permission to submit a RFQ to complete a comprehensive Parks and Recreation Master Plan for Butte-Silver Bow. **Recommendation: concur and place on file.**
10. 07-25 Paul Babb, Chief Executive, requesting concurrence in appointment of

Glen Granger to Fire Advisory Board. ***Recommendation: concur and place on file.***

11. 07-26 Mary M. McMahon, Clerk and Recorder, requesting uses of Civic Center Annex for Ballroom Dance Lessons for 6-8 weeks on Monday evenings. ***Recommendation: concur and place on file.***
12. 07-27 Mary M. McMahon, Clerk and Recorder, requesting permission to dispose of obsolete equipment. ***Recommendation: concur and place on file.***
13. 07-28 Mary M. McMahon, Clerk and Recorder, requesting approval of line item budget transfers. ***Recommendation: refer to Finance and Budget Committee.***
14. 07-29 Walt Choquette, Superintendent Metro Maintenance Department, requesting permission to go to bid for new Mini Excavator. ***Recommendation: concur and place on file.***
15. 07-30 Rob Macioroski, Director Land Office, requesting approval of sale of property at 241 E. Park Street and authorization for County Attorney to prepare a resolution for sale of this county-owned property. ***Recommendation: concur, refer to County Attorney for preparation of resolution and hold in Committee of the Whole***
16. 07-31 Dan Dennehy, Health Officer, requesting authorization for Chief Executive to enter into eight (8) contracts with various entities. ***Recommendation: concur and place on file.***
17. 07-32 Robert M. McCarthy, County Attorney, requesting authorization to apply for continuation grant from 2006 Victim/Witness Advocacy Program/Montana Board of Crime Control. ***Recommendation: concur and place on file.***
18. 07-33 Paul Babb, Chief Executive, requesting concurrence in appointment of John Sorich to Greenway Authority Board. ***Recommendation: concur and place on file.***
19. 07-36 Jeff Miller, Director of Fire Services, requesting authorization for Chief Executive to seek funding on behalf of Butte-Silver Bow Fire Department through Montana Board of Investments Intercap Loan Program. ***Recommendation: concur and place on file***
20. 07-37 John P. Walsh, Sheriff, requesting approval and authorization for signatures for EUDL Grant Application. ***Recommendation: concur and place on***

file.

21. 07-38 John P. Walsh, Sheriff, requesting approval and authorization for signatures for maintenance and support agreement with Motorola. ***Recommendation: concur and place on file.***
22. 07-39 John P. Walsh, Sheriff, requesting approval of line item budget transfers. ***Recommendation: refer to Finance and Budget Committee***
23. 07-40 Karen Byrnes, Director Community Development Department, requesting approval and authorization for Chief Executive to sign grant agreement with Montana Historic Preservation Office for funds for Copperway Heritage Trail Project. ***Recommendation: concur and place on file.***
24. 07-41 Tim Clark, Personnel Director, requesting approval and authorization for Chief Executive to execute contract documents with Fox Lawson and Associates. ***Recommendation: concur and place on file***
25. 07-42 Stephen D. Hess, Acting Planning Director, requesting approval of Nichols Minor Subdivision and authorization for Chief Executive to sign final plat. ***Recommendation: concur and place on file.***

SECTION III COMMUNICATIONS TO BE READ AND ACTED UPON

1. 07-35 Mark Reavis, Health Department, requesting Council vote on abatement of 731 North Main Street by demolition and removal of trailer.

SEC IV ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL BILL NO. 07-1 ORDINANCE NO. 07-1

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND SECTION 10.32.010(i) OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “STOP SIGNS”; PROVIDING THAT TRAFFIC PROCEEDING ALONG IDAHO STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF IDAHO STREET AND JOSETTE AVENUE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-1

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THE STREET ADJACENT TO LOTS 14, 15, 16, 17 AND 18, THE ALLEY ADJACENT TO LOTS 9, 10, 11, 12 AND 13 AND THE ALLEY ADJACENT TO LOTS 3, 4, 5, 6, 7 AND 8, ALL IN BLOCK 45 OF THE SOUTH PARK ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

3. COUNCIL RESOLUTION NO. 07-03

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE NICHOLS MINOR SUBDIVISION – SUMMARY REVIEW OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

**SECTION V ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES FOR FINAL PASSAGE**

1. COUNCIL RESOLUTION NO. 07-2

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT, TRANSIT DIVISION FROM: THE MONTANA DEPARTMENT OF TRANSPORTATION,, TRANSIT SECTION; AWARE, INC.; THE BELMONT SENIOR CENTER AND GREYHOUND LINES, INC., ALL TO BE EXPENDED IN THE TRANSIT FUND; REDUCING AN AUTHORIZED APPROPRIATION PREVIOUSLY BUDGETED IN THE BUTTE-SILVER BOW PUBLIC WORKS DEPARTMENT, TRANSIT DIVISION FOR AN ANTICIPATED CAPITAL GRANT FROM THE MONTANA DEPARTMENT OF TRANSPORTATION, WHICH GRANT WAS NOT RECEIVED AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI CALENDAR OF OTHER MEETINGS AND EVENTS

Jan. 18	Zoning Board of Adjustment	5:30 PM	Council Chambers
Jan. 23	Urban Revitalization	9AM	Chief Executive Conference Room
Jan. 24	Port of Montana	Noon	Hub Center
Jan. 25	Business Development Center	10AM	Business Development Center

ADJOURN

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

We, your Committee of the Whole, respectfully recommend as follows:

Bill Melvin, Civic Center Manager, requesting approval to allow EdTech Federal Credit Union to place an ATM in the lobby of the Civic Center. *Committee recommends that Communication No. 06-648 be held in abeyance.*

Rob Macioroski, Director Land Office, requesting acceptance of donation of property from Montana Mental Health Center. *Committee recommends that Communication No.06-693 be referred to Community Development for Developers' packet issuance.*

Gary Keeler, Transit Director, requesting time on 1/3/07 agenda for the purpose of conducting a public hearing regarding update to Butte-Silver Bow's Paratransit Plan. *Committee recommends that Communication No. 06-720 be placed on file.*

Bob Worley, Chairman Study Commission, requesting time on the 1/3/07 agenda to present the new Butte-Silver Bow Government Charter Transition Plan and Supplementary Report. ***Committee recommends that Communication No. 06-721 be placed on file***

SECTION V

COMMUNICATION NO. 06-727

Mark Reavis, Property Management and Preservation Advisor, requesting permission to conduct a public hearing regarding multiple Community Enrichment violations at 731 North Main Street. *Committee recommends that Communication No. 06-727 be placed on file.*

SECTION VI

COMMUNICATION NO. 06-731

Stephen Hess, Senior Planner, requesting approval of Preliminary Plat of the Johnson Creek Minor Subdivision. *Committee recommends that Communication No. 06-731 be held in abeyance*

SECTION VII

COMMUNICATION NO. 06-733

Cindy McIlveen, Planning Department, requesting concurrence to authorize submission of project proposals to State of Montana's Natural Resource Damage Program and time for public comment on 1/10/07 agenda. *Committee recommends approval of Communication No. 06-737 and authorize necessary letters to be written by Chief Executive.*

FINANCE & BUDGET COMMITTEE MEETING REPORT

JANUARY 10, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Finance & Budget Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 07-11

Paul Babb, Chief Executive, requesting approval of line item budget transfers.
Committee recommends that Communication No. 07-11 be approved as submitted and placed on file.

SECTION II COMMUNICATION NO. 07-12

Dan Dennehy, Health Officer, requesting approval of line item budget transfers.
Committee recommends that Communication No. 07-12 be approved as submitted and placed on file.

SECTION III COMMUNICATION NO. 07-15

Russ Connoles, Economic Development Director, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-15 be approved as submitted and placed on file.*

SECTION IV EXPENDITURE APPROVAL

January 3, 2007	\$322,054.01
January 10, 2007	\$432,340.04

JUDICIARY COMMITTEE MEETING REPORT

JANUARY 10, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 06-69

Charlie O'Leary, Commissioner District 5, requesting creation of an ordinance to be located in Section 6 of the Butte-Silver Bow Municipal Code Book – Animals. *Committee recommends that Communication No. 06-69 be held in abeyance.*

SECTION II COMMUNICATION NO. 06-531

Charlie O'Leary, Commissioner District 5, requesting council refer to Judiciary Committee for the purpose of declaring Gas Tax Road 235 (A/K/A the East Portion of Forest Service Road 84) as a county road. *Committee recommends that Communication No. 06-531 be held in abeyance.*

SECTION III COMMUNICATION NO. 06-532

Andrew Wilson, requesting noise abatement regulations be enforced in his neighborhood. *Verify that Mrs. Walsh has sent a letter to Health Department asking for their attention to this matter and report back to Judiciary Committee (Please note – memo was sent to Health Department 9/20/06)*

SECTION IV COMMUNICATION NO. 06-673

Mark and Shirley Rule, regarding proposal to enter into 5-yr. Lease and one 5-yr. Renewable term of Rose and Shamrock Mining Claim #2829, Lot 599 on Moulton Reservoir Road. *Recommendation: request opinion from Rob Macioroski, Land Records, for recommendation to Judiciary Committee.*

SECTION V COUNCIL BILL NO. 05-11 ORDINANCE NO. 05-11

AN ORDINANCE CREATING A NEW CHAPTER WITHIN THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) TO BE ENTITLED "SECONDHAND GOODS" TO BE NUMBERED CHAPTER 5.66, B-SB MC; ESTABLISHING REGULATIONS FOR ALL SECONDHAND DEALERS INCLUDING SECONDHAND STORES, PAWNBROKERS, COIN DEALERS, AND DEALERS IN PRECIOUS AND SEMI-PRECIOUS METALS OR

STONES; ESTABLISHING REPORT REQUIREMENTS; SETTING LICENSING FEES; ESTABLISHING PENALTIES FOR VIOLATION; REPEALING CHAPTERS 5.36 AND 5.44, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill 05-11, Ordinance No. 05-11 be held in abeyance.*

SECTION VI

COUNCIL BILL NO. 06-2 ORDINANCE NO. 06-2

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "SPEED LIMIT;" ESTABLISHING A 35 MPH SPEED LIMIT ON HANSEN ROAD BEGINNING AT ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH AND CONTINUING SOUTH TO A POINT 0.702 MILES ON THE SOUTH; ESTABLISHING A 25 MPH SPEED LIMIT ON HANSEN ROAD FROM A POINT 0.971 MILES SOUTH OF ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH TO HOLMES AVENUE ON THE SOUTH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that a letter be sent to Lee Alt requesting review information in traffic ordinance and verify accuracy.*

SECTION VII

COUNCIL BILL NO. 06-12 ORDINANCE NO. 06-12

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 239 AND CHAPTER 2.64 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "HISTORIC PRESERVATION COMMISSION"; REPEALING CHAPTER 17.33 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "H HISTORIC OVERLAY ZONE"; PROVIDING FOR THE PRESERVATION, PROTECTION, AND PROMOTION OF HISTORIC PROPERTIES, APPOINTMENT ND QUALIFICATION OF MEMBER, DUTIES AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION; APPOINTMENT AND DUTIES OF THE LOCAL HISTORIC PRESERVATION OFFICER; CREATION OF A LOCAL REGISTER AND ITS DESIGNATION AND PROCEDURES; CREATION AND ADMINISTRATION OF DESIGN REVIEW PROTECTION FOR LOCAL REGISTER PROPERTIES; CREATION AND REVIEW OF LOCAL PRESERVATION INCENTIVES; DEVELOPMENT AND PUBLICATION OF HISTORIC PRESERVATION GUIDELINES; REVIEW AND AUTHORIZATION OF DEMOLITION PERMITS ON HISTORIC PROPERTIES; CREATION OF DEMOLITION BY NEGLECT PROCEDURES ON HISTORIC PROPERTIES; ENFORCEMENT OF THIS ORDINANCE; REPEALING BUTTE-SILVER BOW ORDINANCE NO. 238 IN ITS ENTIRETY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill 06-12, Ordinance No. 06-12 be held*

in abeyance for three weeks to bring new committee members up to date and deliberate.

SECTION VIII

COUNCIL RESOLUTION NO. 06-119

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE JOHNSON CREEK MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND FINDING THE NECESSARY FACTS HEREIN. *Committee recommends that Council Resolution No. 06-119 be held in abeyance.*

PUBLIC WORKS COMMITTEE MEETING REPORT

JANUARY 10, 2007

TO THE HONORABLE CHIEF EXECUTIVE CHIEF EXECUTIVE AND MEMBERS
OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I

Charlie O'Leary, Commissioner District 5, requesting speed limits and urban highway designations on a portion of Western Boulevard and also Meadowlark. *Committee recommends that Communication No. 05-66 be held in abeyance.*

SECTION II **COMMUNICATION NO. 05-522**

Charlie O’Leary, Commissioner District 5, requesting signs, guardrails, etc. in the area of Meadowview Drive and the street leading into the Homestake Meadows Subdivision. ***Committee recommends that Communication No. 05-522 be held in abeyance.***

SECTION III

COMMUNICATION NO. 05-642

Paul Babb, Chief Executive, requesting time on 11/9/05 agenda for presentation on Sunset Memorial Cemetery by Danette Gleason, Assistant Finance and Budget Director, Mollie Maffei, Deputy County Attorney and Pat Burt, Newland Company. ***Committee recommends that Communication No. 05-642 be held in abeyance.***

SECTION IV **PETITION NO. 06-5**

John Harrington, Building Official, requesting on behalf of Roy Morris to close and vacate street adjacent to Lots 14 through 18 in Block 45 of South Park Addition and alley adjacent to lots 3 through 8, block 45 South Park Addition. *Committee recommends that Petition No. 06-5 be held in abeyance pending introduction of resolution.*

SECTION V **PETITION NO. 06-09**

John Harrington, Building Official, requesting on behalf of Charles and Roxanna Bulen, Sportsman Motel and RV to close and vacate a portion of 5th Street in

Melrose between blocks 8 and 10, Melrose Townsite. *Committee recommends that Petition No. 06-9 be held in abeyance.*

SECTION VI COMMUNICATION NO. 06-146

Joseph E. Lee, Commissioner District #2, requesting traffic study of intersection of Amherst and Farragut. *Committee recommend that Communication No. 06-146 be held in abeyance awaiting preparation of ordinance.*

SECTION VII COMMUNICATION NO. 06-533

Patrick Kearney, requesting four-way stop be placed at corner of George and Garfield. *Committee recommends that Communication No. 06-533 be held in abeyance.*

SECTION VIII COMMUNICATION NO. 06-631

Shelley J. Martin-Dixon, requesting stop sign at end of the block on South Idaho Street. *Committee recommends that Communication No. 06-631 be held in abeyance pending amendment to the Butte-Silver Bow Traffic Ordinance.*

SECTION IX COMMUNICATION NO. 06-659

Mike Sheehy, Commissioner District 10, regarding paving of Hill Top Apartments driveway. *Committee recommends that Communication No. 06-659 be held in abeyance.*

SECTION X COMMUNICATION NO. 06-661

Jon Sesso, Planning Director, requesting council prioritize road improvements project – intersection of Beef Trail Road and Little Basin Creek Road. *Committee recommends that Communication No. 06-661 be held in abeyance.*

SECTION XI COMMUNICATION NO. 06-701

Marko Lucich, Executive Director Chamber of Commerce, requesting time on the Public Works Agenda to make a presentation on the progress on the Green Belt Conceptual Plan (Berkeley Pit Viewing Stand). *Committee recommends that Communication No. 06-701 be held in abeyance.*

